

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

IN RE KRAFT HEINZ  
SECURITIES LITIGATION

Case No. 1:19-cv-01339

Judge Robert M. Dow Jr.

Magistrate Judge Maria Valdez

**DECLARATION OF KATHERINE M. SINDERSON IN SUPPORT OF  
LEAD PLAINTIFF UNION’S OPPOSITION TO THE KRAFT HEINZ DEFENDANTS’  
MOTION TO COMPEL DISCOVERY FROM UNION ASSET MANAGEMENT  
HOLDING AG**

I, Katherine M. Sinderson, declare as follows:

1. I am an attorney licensed to practice law in New York, and I am admitted to practice *pro hac vice* before this Court. I am a partner in the law firm of Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”). BLB&G is counsel for Lead Plaintiff Union Asset Management Holding AG (“Union”) in the above-captioned action. I submit this Declaration in Support of Lead Plaintiff Union’s Opposition to the Kraft Heinz Defendants’ Motion to Compel Discovery from Union Asset Management Holding AG.

2. Attached hereto as Exhibits 1 through 6 are true and correct copies of the following documents:

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|------------|---|
| Exhibit 1: | Excerpts of the May 4, 2022 deposition transcript of Dr. Carsten Fischer, one of Union’s Rule 30(b)(6) representatives and Union’s general counsel        |
| Exhibit 2: | Excerpts of the May 4, 2022 deposition transcript of Mr. Jochen Riechwald, one of Union’s Rule 30(b)(6) representatives and Union’s head of corporate law |
| Exhibit 3: | Plaintiffs’ Objections and Responses to the Kraft Defendants’ First Request for Production of Documents, served on December 15, 2021                      |
| Exhibit 4: | Plaintiffs’ Responses and Objections to Defendants’ First Set of Interrogatories, served on December 15, 2021   |

- Exhibit 5: Union's Objections to Defendants' First Amended Notice of Rule 30(b)(6) Deposition of Lead Plaintiff Union Asset Management Holding AG, served on April 20, 2022
- Exhibit 6: Schedule of trading in Kraft Heinz common stock by the twenty-two funds that assigned their claims to Union in this litigation, produced by email to Defendants on April 25, 2022

3. In response to Defendants' November 15, 2021 First Request for Production of Documents, Union negotiated the scope of its document collection over at least eight email discussions and two extensive meet and confer calls with counsel for the Kraft Heinz Defendants. In connection with its document collection, Union agreed to run twenty-five search terms, including the search terms "KHC," "Kraft Heinz," "3G," and "500754106," the CUSIP number for Kraft Heinz common stock. Union ran these search terms over the custodial files of the portfolio managers of the twenty-two funds that assigned their claims to Union in this action, including the portfolio manager who acted as the designated analyst for Kraft Heinz for all Union-affiliated funds, as well as the custodial files of Mr. Jochen Riechwald and Dr. Carsten Fischer—a total of eighteen custodians (the fact that there are a smaller number of custodians than funds is attributable to the fact that certain portfolio managers were responsible for more than one fund). In addition, Union manually collected fund prospectuses and trading data from its files.

4. Union's document collection resulted in the collection of hundreds of thousands of pages of documents in English and German, which were reviewed by a team of attorneys, including several attorneys that are bilingual in English and German. As of the date of this declaration, Union has produced to Defendants more than 53,000 pages of material from the files of 18 Union custodians.

5. In addition, Union designated two representatives, Mr. Jochen Riechwald and Dr. Carsten Fischer, as Union's Rule 30(b)(6) representatives. Mr. Riechwald and Dr. Fischer

traveled from Germany to New York City for their depositions and sat for nearly six hours of testimony on twenty-two topics. Both Mr. Riechwald and Dr. Fischer agreed to conduct the deposition in English, although it is not their first language.

6. During a July 12, 2022 telephone call with counsel for the Kraft Heinz Defendants, I offered to recommend to Union that it provide the trading data reflecting the transactions in Kraft Heinz common stock undertaken by the Union-managed funds that did not assign their claims to Union in this action. In a further conversation the next day between myself, my partner Salvatore Graziano, and Kraft Heinz counsel, we discussed our potential proffer further. Defense counsel stated that, regardless of the trading pattern demonstrated by the proffered trading data, they would pursue the document discovery requested by the instant motion to compel filed by Defendants.

7. Union has twenty-three subsidiary entities. Union's subsidiaries include the management companies Union Investment Institutional GmbH ("UIN"), Union Investment Luxembourg S.A. ("UIL") and Union Investment Privatfonds GmbH ("UIP") as well as companies that provide auxiliary services such as IT and other subsidiaries focused on real estate investing. Union provides legal and administrative services to UIN, UIL, and UIP. UIN, UIL, and UIP act as the management companies for hundreds of independent funds. This fact is public information. *See, e.g.,* <https://unternehmen.union-investment.de/startseite-unternehmen/ueber-uns/unser-unternehmen/kennzahlen.html>.

8. No fund managed by UIN, UIL, or UIP participated in short selling of Kraft Heinz common stock during the Class Period.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 24, 2022

New York, New York



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Katherine M. Sinderson

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